

RemarksTelephone Interview Summary

Applicant thanks the Examiner for the courtesies extended during a telephone interview on April 19, 2004 with Attorney Einschlag and David Maltz of CoolSystems, Inc., Assignee of the subject patent application.

Attorney Einschlag pointed out that neither a border seal with curvilinear ripples nor fences with curvilinear ripples are disclosed in Gammons et al. since the border seal and fences of Gammons et al. include straight-line segments. Further, Attorney Einschlag referred the Examiner to a decision of the Board of Patent Appeals and Interferences mailed on February 28, 2002 for the subject patent application which held that curvilinear ripples excluded straight-line segments. The Examiner mentioned U.S. Patent No. 6, 551,347 as being a prior art reference. This patent and the subject patent application are not commonly assigned. No agreement was reached.

Examiner rejected claims 3-5, 8-9, 12, 14, 17, 19-20 and 22-24 under 35 U.S.C. 102(b). Specifically, the Examiner stated:

Claims 3-5, 8-9, 12, 14, 17, 19-20 and 22-24 are rejected under U.S.C. 102(b) as being anticipated by Gammons et al. Figures 1 and 4 disclose the border seal being "rippled with no sharp changes in direction (curvilinear ripples)." Figures 1 and 5 disclose the fence being "rippled with no sharp changes in direction (curvilinear ripples)." Regarding claims 17 and 19, Gammons et al (column 1, lines 11-13) discloses a system comprising a heat transfer device; and pump in combination with a heat exchange panel.

Applicant respectfully traverses the Examiners' rejection.

Applicant respectfully submits that claims 3-5, 8-9, 12, 14, 17, 19-20 and 22-24 require a border seal and/or fences with curvilinear ripples, and that this means ripples without straight-line segments (for example, without straight-line segments as disclosed in Gammons et al). As set forth in the Merriam-Webster dictionary, the term curvilinear is defined as 1: consisting of or bounded by curved lines : represented by a curved line or 2 : marked by flowing tracery. Further, curved is defined in intransitive senses: to have or take a turn, change, or deviation from a straight line or plane surface without sharp breaks or angularity. In addition, in

a decision of the Board of Patent Appeals and Interferences mailed on February 28, 2002 for the subject patent application held as follows at p. 8-9: "The term 'curvilinear' is ordinarily understood to mean 'consisting of or enclosed by a curved line or lines' ... The fences and border seals of the AAPA panel assume a step or a partial sawtooth ripple pattern consisting of straight-line segments and, thus, do not include 'curvilinear' ripples as called for in the claims of Group II." As such, Applicant respectfully submits that, by dictionary definition, and according to the "law of the case" as set forth in the cited decision of the Board of Patent Appeals and Interferences, curvilinear ripples exclude straight lines or "ripples" having straight-line segments.

In light of the above, Applicant respectfully submits that the Examiner is incorrect in asserting that Gammons et al. discloses a border seal and a fence that have curvilinear ripples. Specifically, Applicant respectfully submits that border seal and the fences depicted in Gammons et al. do not include curvilinear ripples because they include straight-line segments. See FIGs. 4 and 5 and col. 2, lines 44-55 of Gammons et al.

Applicant further notes that claim 17 requires "said border seal consists of curvilinear ripples having ripple cycle lengths substantially shorter than the length of said border" and claim 19 requires "said fence includes curvilinear ripples having ripple cycle lengths substantially shorter than the length of said fence."

Lastly, Applicant respectfully submits that the Examiner is incorrect in asserting that: (a) Figures 1 and 4 of Gammons et al. disclose a border seal being rippled with no sharp changes in direction and (b) Figures 1 and 5 of Gammons et al. disclose a fence being rippled with no sharp changes in direction. Although corners of the border seal and the fences shown in Gammons et al. appear to be rounded when examined at a microscopic level, Applicant respectfully submits that the borders and fences of Gammons et al. would be deemed by one of ordinary skill in the art to be hard or sharp corners. In particular, Applicant respectfully submits that one of ordinary skill in the art would consider the border seal and the fences shown in the relevant figures of Gammons et al. to include corners that produce sharp changes in direction since that interpretation would be consistent with the technology entailed in their fabrication.

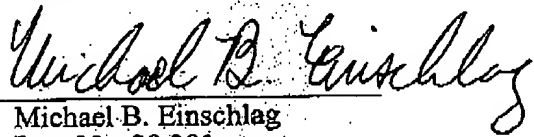
In light of the above, Applicant respectfully requests the Examiner to withdraw this rejection.

Applicant respectfully submit that claims 3-5, 8-9, 12, 14, 17, 19-20 and 22-24 are patentable over U.S. Patent No. 6, 551,347 for the same reasons set forth above with respect to Gammons et al.

In light of the above, Applicant respectfully submits that all the remaining claims are allowable, and Applicant respectfully requests that the Examiner reconsider the case and pass the case to issue. Should the Examiner have any questions or wish to discuss any aspect of the application, a telephone call to the undersigned would be welcome.

Respectfully submitted,

By:


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